

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

SHEDRICK Q. FRENCH,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:07CV224-P-A

THE KROGER COMPANY,

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court upon the U.S. Magistrate Judge's March 2, 2010 Report and Recommendation concluding that this case should be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The plaintiff was given ten business days to object to the Report and Recommendation, but almost one year later, he has not done so nor has he otherwise contacted the court. After due consideration of the Report and Recommendation, the court concurs with the judgment of the U.S. Magistrate Judge.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The court adopts and incorporates herein the U.S. Magistrate Judge's March 2, 2010 Report and Recommendation; therefore,

(2) The plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**; and

(3) This case is **CLOSED**.

SO ORDERED this the 4th day of February, A.D., 2011.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE